

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID J. CATANZARO,	:	Civil Case No. 3:22-CV-01754-
	:	JFS-DFB
Plaintiffs	:	(Judge Joseph F. Saporito Jr.)
	:	(Referred to Judge Phillip J.
v.	:	Caraballo)
	:	
LYKART TECHNOLOGIES LLC,	:	
ET AL.,	:	
	:	
Defendants.	:	
	:	

**UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO
PLAINTIFF'S COMPLAINT**

Defendants Apple Inc., Google LLC, YouTube LLC, Microsoft Corporation, Inc., Mozilla Corporation, Poshmark Inc., and Target Corporation (collectively “Moving Defendants”) respectfully request the Court grant this motion to extend their time to respond to Plaintiff’s Fifth Amended Complaint.

WHEREAS, on March 13, 2025, the Court granted the Unopposed Motion for Extension of Time to File Answer of Target Corporation, extending Target’s time to respond to April 16, 2025 (Docket No. 61);

WHEREAS, on March 17, 2025, the Court granted the Joint Motion for Extension of Time to Respond and Regarding Motions for Leave to Amend, extending Google LLC’s and YouTube LLC’s time to respond to May 1, 2025 (Docket No. 66);

WHEREAS, on March 17, 2025, the Court granted the Unopposed Motion for Extension of Time to File Answer of Mozilla Corporation, extending Mozilla's time to respond to April 21, 2025 (Docket No. 67);

WHEREAS, on March 17, 2025, the Court granted the Consent Motion for Extension of Time to Respond to Plaintiff's Operative Complaint of Poshmark Inc., extending Poshmark's time to respond to April 21, 2025 (Docket No. 67);

WHEREAS, on March 19, 2025, the Court granted the Unopposed Motion for Extension of Time to File Answer of Apple Inc., extending Apple's time to respond to May 1, 2025 (Docket No. 80);

WHEREAS, on March 19, 2025, the Court granted the Unopposed Motion for Extension of Time to Respond of Microsoft Corporation, extending Microsoft's time to respond to April 25, 2025 (Docket No. 79);

WHEREAS, on April 1, 2025, Plaintiff filed a Motion to Stay Proceedings Pending Ruling in Related Case (Docket No. 89);

WHEREAS, on April 9, 2025, the Moving Defendants filed a Notice of Non-Opposition to Plaintiff's Motion to Stay (Docket No. 91);

WHEREAS, the Moving Defendants believe that the Court and all parties would benefit if they submit Rule 12 responses to the complaint at the same time, rather than on individual schedules;

NOW, THEREFORE, in support of this Unopposed Motion, Moving Defendants state as follows:

1. Moving Defendants are diligently investigating Plaintiff's allegations and continue to do so while the Court considers Plaintiff's pending motion to stay this action.
2. Moving Defendants respectfully request the Court order that the time for each of them to file any Rule 12 response to the Fifth Amended Complaint be set for the later of:
 - 30 days after the Court's order denying Plaintiff's Motion to Stay Proceedings Pending Ruling in a Related Case, Docket No. 89, or
 - 30 days after any stay is lifted, if the Court grants one.
3. Plaintiff does not oppose this request for extension.
4. Because Plaintiff concurs in this request and the reasons for the request are set forth in the body of this motion, no supporting brief is required pursuant to Middle District Local Rule 7.5.
5. No party will be prejudiced by this Court granting an extension, and this motion is not being filed for purposes of harassment or delay.

Date: April 9, 2025

Respectfully submitted,

/s/ Stephen H. Barrett
Stephen H. Barrett (PA ID 313709)
DLA PIPER LLP (US)

/s/ John V. Gorman
John V. Gorman (PA ID 80631)
MORGAN, LEWIS & BOCKIUS LLP

One Liberty Place
1650 Market Street, Suite 5000
Philadelphia, Pennsylvania, 19103
+1 (215) 656-3300
stephen.barrett@us.dlapiper.com

Counsel for Defendant Apple Inc.

2222 Market Street
Philadelphia, Pennsylvania, 19103
+1 (215) 963-5157
+1 (215) 963-5001 facsimile
john.gorman@morganlewis.com

Erika H. Warren (*pro hac vice*)
Madeline A. Woodall (*pro hac vice*)
Shaida Shahinfar (*pro hac vice*)
WARREN KASH WARREN LLP
2261 Market Street, No. 606
San Francisco, California, 94114
+1 (415) 895-2940
+1 (415) 895-2964 facsimile
22-1754@cases.warrenlex.com

*Counsel for Defendants Google LLC
and YouTube LLC*

/s/ Kelly J. Fermoyle
Jessica Natali (PA ID 86507)
FAEGRE DRINKER BIDDLE &
REATH LLP
One Logan Square, Suite 2000
Philadelphia, Pennsylvania, 19103
+1 (215) 988-2700
+1 (215) 988-2757 facsimile
jessica.natali@faegredrinker.com

Kelly J. Fermoyle (*pro hac vice*)
FAEGRE DRINKER BIDDLE &
REATH LLP
2200 Wells Fargo Center
90 S. 7th Street
Minneapolis, Minnesota, 55402
+1 (612) 766-7000
kelly.fermoyle@faegredrinker.com

Counsel for Defendant Microsoft

/s/ Rachael D. Lamkin
Jennifer Berger (PA ID 327364)
Baker Botts L.L.P.
30 Rockefeller Plaza
New York, New York, 10112
+1 (212) 408-2592
Jennifer.berger@bakerbotts.com

Rachael Lamkin (*pro hac vice*)
Baker Botts L.L.P.
101 California Street, Suite 3200
San Francisco, California, 94111
+1 (415) 291-6264
+1 (415) 291-6300 facsimile
Rachael.lamkin@bakerbotts.com

*Counsel for Defendant Mozilla
Corporation*

Corporation, Inc.

/s/ Bridget E. Montgomery

Bridget E. Montgomery (PA ID 56105)
ECKERT SEAMANS CHERIN &
MELLOTT, LLC
213 Market Street, 8th Floor
Harrisburg, Pennsylvania, 17101
+1 (717) 237-6054
+1 (717) 237-6019
bmontgomery@eckertseamans.com

/s/ Timothy D. Katsiff

Timothy D. Katsiff (PA ID 75490)
FAEGRE DRINKER BIDDLE &
REATH LLP
One Logan Square, Suite 2000
Philadelphia, Pennsylvania, 19103
215-988-2700
215-988-2757
tim.katsiff@faegredrinker.com

Steven Callahan (*pro hac vice*)
Mitchell Sibley (*pro hac vice*)
Christopher T. Bovenkamp (*pro hac
vice to be filed*)
CHARHON CALLAHAN ROBSON &
GARZA, PLLC
3333 Lee Parkway, Suite 460
Dallas, Texas, 75219
+1 (214) 521-6400
+1 (214) 764-8392 facsimile
scallahan@ccrglaw.com
msibley@ccrglaw.com
cbovenkamp@ccrglaw.com

*Counsel for Defendant Target
Corporation*

Counsel for Defendant Poshmark Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April, 2025, a copy of the foregoing Unopposed Motion To Extend Time To Respond To Plaintiff's Complaint was served on all counsel of record via ECF and served on plaintiff via email.

/s/ John V. Gorman _____

John V. Gorman